

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

COMMERCIAL STREET EXPRESS LLC, )  
NICOLE VANDER MUELEN, SHASTA )  
BURZYNSKI, KATHLEEN COULLARD on )  
behalf of themselves and all others similarly )  
situated, )

Plaintiffs, )

v. )

SARA LEE CORPORATION, COLGATE- )  
PALMOLIVE COMPANY, HENKEL )  
CHEMIE VERWALTUNGSGESELLSCHAFT )  
MBH, HENKEL CORP., UNILEVER N.V., )  
UNILEVER PLC, UNILEVER UNITED )  
STATES INC., )

Defendants. )

No. 08 C 1179

Honorable Virginia M. Kendall

**JOINT INITIAL STATUS REPORT**

Pursuant to the Court's March 4, 2008 Minute Order, the undersigned parties submit the following Joint Initial Status Report.

**1. Attorneys of Record and Expected Trial Counsel. <sup>1</sup>**

**a. Plaintiffs Commercial Street Express LLC, Nicole Vander Muelen, Shasta Burzynski, and Kathleen Coullard.**

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Guri Ademi\*  
Shpetim Ademi  
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414-482-8000

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<sup>1</sup> Currently expected trial counsel are identified with an asterisk.

**b. Defendant Sara Lee Corporation**

Craig C. Martin\*  
John F. Kinney\*  
Eric A. Sacks\*  
Sarah E. Crane  
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300 North Wabash Avenue  
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312-222-9350

**c. Defendant Colgate-Palmolive Company**

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**d. Defendants Henkel Chemie Verwaltungsgesellschaft mbH and Henkel Corp.**

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John W. Treece\*  
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One South Dearborn Street  
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**e. Defendants Unilever NV, Unilever PLC and Unilever United States, Inc.**

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Elizabeth L. Grayer  
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Sheila Finnegan\*  
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**2. Asserted Basis for Federal Jurisdiction.**

28 U.S.C. §§ 1331 and 1337 and Sections 4 and 16 of the Clayton Act, 15 U.S.C. §§ 15, 26.

**3. Nature of Claims Asserted in Complaint and Any Expected Counterclaim.**

The Amended Complaint is an antitrust class action that asserts a claim for injunctive relief under Section 1 of the Sherman Act (Count I), claims under the antitrust statutes enacted by 19 states and the District of Columbia (Count II), claims under 22 state consumer protection laws (Count III), and a claim for unjust enrichment (Count IV).

At the present time, no counterclaim is expected.

**4. Parties Not Yet Served and Status.**

Foreign defendant Unilever NV, Unilever United States, Inc.'s ultimate Dutch parent has not been served.

Foreign defendant Henkel Chemie Verwaltungsgesellschaft mbH has not been served.

Plaintiffs state that they have been advised by APS International, which is handling the translation and service pursuant to the Hague protocol, that it could take approximately 10-12 weeks to have service completed on the foreign defendants.

**5. Principal Legal Issues.**

The principal legal issues in this case include whether the plaintiffs have properly alleged a claim under Section 1 of the Sherman Act or the various state laws and theories asserted in the Amended Complaint. There may be other issues, including whether the Court has subject-matter jurisdiction over the matter or personal jurisdiction over each of the individual defendants and whether the claims are appropriate for a class action under Rule 23.

**6. Principal Factual Issues.**

The principal factual issues, among others, include those factual questions underlying suitability for class action treatment; whether defendants conspired to artificially raise, fix, maintain, and/or stabilize prices of any product; the particular products involved in any such conspiracy; the duration of any such conspiracy; whether any such conspiracy occurred in the United States or had a direct and substantial effect on U.S. commerce; whether any plaintiff was impacted by any conspiracy; whether any plaintiff suffered damage by any conspiracy; and the amount of any such damage.

**7. Whether a Jury Trial Is Expected.**

Plaintiffs have demanded a jury.

**8. Discovery Status.**

No discovery has been initiated. If the Court denies defendants' motions to dismiss, the parties anticipate extensive discovery on a variety of issues, including class certification, liability, impact and damages.

Plaintiffs intend to commence discovery once the Court conducts its Rule 16 conference.

Defendants do not believe that discovery should proceed pending resolution of the Defendants' respective motions to dismiss.

**9. Earliest Trial Ready Date and Length of Trial.**

The parties propose addressing these questions after the Court has ruled on the motions to dismiss.

**10. Trial before Magistrate Judge.**

The parties do not unanimously consent to trial before a Magistrate Judge.

**11. Status of Settlement Discussions.**

There has been no settlement discussion.

Dated: May 1, 2008

Respectfully submitted,

Plaintiffs Commercial Street Express LLC,  
Nicole Vander Muelen, Shasta Burzynski,  
and Kathleen Coullard

By: s/ Marvin A. Miller (with consent)  
One of their Attorneys

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Defendant Sara Lee Corporation

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Defendant Colgate-Palmolive Company

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**CERTIFICATE OF SERVICE**

I, Sarah Crane, hereby certify that on May 1, 2008, I caused a copy of the foregoing **JOINT INITIAL STATUS REPORT** to be filed and served electronically via the court's CM/ECF system. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF System.

By: s/ Sarah E. Crane

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Dated: May 1, 2008